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May 17, 2000

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Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: MM Docket No. 98-198
Cross Plains, Texas, et al.

Dear Ms. Salas:

Transmitted herewith, on behalf of Jayson D. Fritz and Janice M. Fritz, are an original and four copies of their "Motion to Withdraw *Nunc Pro Tunc* Petition for Partial Reconsideration" in the above-referenced proceeding.

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for Jayson D. Fritz and Janice M. Fritz

AGC:mah
Enclosures

cc: Mr. Robert Hayne (with enclosure) **By Hand Delivery**

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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MAY 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-198
Table of Allotments, FM Broadcast Stations.)	RM-9304
(Cross Plains, Allen, Benbrook, Brownwood,)	RM-9492
Burkburnett, Campbell, Clifton, Coleman,)	RM-9548
Commerce, Detroit, Graham, Granbury, Haskell,)	RM-9547
Kerens, Mason, Jacksboro, McKinney, Muenster,)	
San Saba, Snyder, Terrell, Vernon, Waco, and)	
Wichita Falls, Texas; Alva, Anadarko, Ardmore,)	
Atoka, Comanche, Dickson, Duncan, Durant,)	
Eldorado, Hugo, and Lone Grove, Oklahoma))	

Directed to: Chief, Allocations Branch

MOTION TO WITHDRAW *NUNC PRO TUNC*
PETITION FOR PARTIAL RECONSIDERATION

Jayson D. Fritz and Janice M. Fritz (the "Fritzes"), by their attorneys, hereby respectfully submit their Motion to Withdraw *Nunc Pro Tunc* their Petition for Partial Reconsideration of the "Report and Order," DA 00-584, released March 21, 2000 ("R&O"), in the above-captioned proceeding, with regard to the treatment of the Comments and Counterproposal of Rawhide Radio, L.L.C. ("Rawhide"), successor-in-interest to Sonoma Media Corporation ("Sonoma").

With respect thereto, the following is stated:

1. In their Petition for Partial Reconsideration, the Fritzes raised an entirely procedural argument that the Rawhide counterproposal should have been dismissed rather than

considered in a separate proceeding. This requested dismissal would not have affected any of the proposed channel changes or other modifications adopted in the *R&O*, however, as by the time of the *R&O*'s adoption, the Rawhide counterproposal was no longer mutually exclusive with the other proposals considered in this proceeding.


2. Circumstances now dictate, however, that the Fritzes' Petition for Reconsideration should be withdrawn as moot. In the *Erratum*, the Commission stated that it would consider the Rawhide counterproposal in MM Docket No. 99-357. In that proceeding, Rawhide had filed a separate counterproposal in which it proposed the upgrade of KVCQ(FM) and reallocation of Channel 249C1 to McQueeney, Texas. In MM Docket No. 99-357, an acceptable substitute channel for Channel 249C2 at Mason, Texas, has been located. The Fritzes have filed comments in that proceeding in which they have indicated their acceptance of the substitute channel under certain circumstances. In addition, as Rawhide seeks a grant of its McQueeney proposal in MM Docket 99-357, it is clear that its inconsistent proposal to reallocate Channel 249C2 to Luling, Texas, in the instant proceeding cannot move forward. Accordingly, the Fritzes Petition for Reconsideration is moot.

3. Accordingly, the Fritzes hereby withdraw their Petition for Reconsideration filed May 11, 2000. Moreover, in light of the fact that the Petition for Reconsideration did not address or affect any of the actions with regard to channel changes adopted in the *R&O*, it is submitted that the Petition for Reconsideration should be considered to have been withdrawn *nunc pro tunc* and thus should not delay the date of finality. On behalf of the Fritzes, the undersigned hereby affirm that no monetary consideration has been promised or paid to the Fritzes in connection with the withdrawal of the Petition for Reconsideration or any related matters.

WHEREFORE, the premises considered, the Fritzes respectfully request that their
Petition for Reconsideration be withdrawn *nunc pro tunc*.

Respectfully submitted,

JAYSON D. FRITZ AND JANICE M. FRITZ

By: 
Vincent J. Curtis, Jr.
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Their Attorneys

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May 17, 2000

agc/#127/withdpet.jf

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Motion to Withdraw *Nunc Pro Tunc* Petition for Partial Reconsideration" were sent this 17th day of May, 2000, by United States mail, postage prepaid, to the following:

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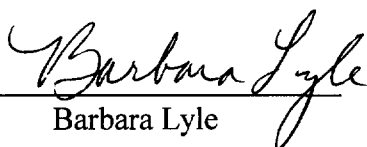
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